

CLARKE COUNTY BOARD OF SUPERVISORS

July 15, 2003

Regular Meeting

Board of Supervisors' Meeting Room

9:00 a.m.

At a meeting of the Board of Supervisors of Clarke County, Virginia, held in the Board of Supervisors' Meeting Room, Second Floor of the Circuit Courthouse, 102 N. Church Street, Berryville, Virginia on Tuesday, July 15, 2003.

Present

Chairman John Staelin, Supervisor Byrd, Supervisor Dunning, Supervisor Hobert, and Supervisor Weiss

Also Present

Charles Johnston, David Ash, Tom Judge, Jeff Lineberry, Bob Childress, Ricky Pope, Ed Breslauer, Dana Storm, Joe Hickey, Susie Bailey, David Nelms, Alison Teetor, Michelle Rosati, Brenda Van Keuren, Val Van Meter, Jerry Herrmann and other citizens and members of the press.

Call To Order

Chairman Staelin called the meeting to order a 9:05 a.m. in the Board of Supervisors' Meeting Room of the Circuit Courthouse.

Adoption of Agenda:

- Move to Miscellaneous: Consent Agenda Item Resolution Regional Adult Detention Center
- Move Item 15: Set Public Hearing - Text Amendment - amendment of the County Well Ordinance, Section 184-10 so as to add item J. prohibiting Open-Looped Ground-Source Heat Pump Wells. TA-03-10 (AT) to Item 8 B) USGS Quarterly Report
- Add Closed Session for Personnel, Real Estate, and Contract Matters
- Add to Clarke County School Items: Facilities Planner Resolution

Vice Chairman Hobert moved to adopt the agenda as modified. The motion carried by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Absent
Supervisor Weiss	-	Aye

Approval of Meeting Minutes:

Regular Meeting June 17, 2003

On page 748, Supervisor Byrd noted that the vote on the Clarke County Humane Foundation Site Plan Special Use Permit SUP-03-04 was incorrectly noted for both Weiss and Hobert. With the consent of Vice Chairman Hobert and Supervisor Weiss, the votes shall be changed to Aye for both.

Supervisor Byrd moved to accept the meeting minutes for June 17, 2003 as amended. The motion carried by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Absent
Supervisor Weiss	-	Aye

Citizen Comment Period

No citizens appeared to address the Board.

New Biosolids Regulations

- Alison Teetor

Alison Teetor, Natural Resources Planner, appeared before the Board to provide a summary of the changes to regulations on Biosolids. She explained that the changes were at the State level. Clarke County's ordinance may need to be changed to add the revised references to State codes. Alison has forwarded a copy of Clarke County's ordinance to the State for review. She expressed some concern regarding possible conflicts with the County's set backs, which are greater than the State's requirements. Ms. Teetor opined that a review of the ordinance by Bob Mitchell might be needed.

There was general discussion regarding applicators. Supervisor Dunning worried that the water table was high and could be polluted by Biosolids. There has been little application this year. Supervisor Weiss put forth that samples have been fine. Chairman Staelin and Ms. Teetor agreed that the samples are good and well below State standards.

Shrink Swell Report

- Alison Teetor

Alison Teetor, Natural Resources Planner, appeared before the Board to provide a summary of Shrink/Swell data collected during 2001 and 2002. The data presented indicated that greater than 90% of the County's soils appeared to be correctly identified. By consensus, the Board determined that an annual report was no longer necessary and waiving this requirement would not result in an amendment to the County's ordinance.

USGS Quarterly Report

- Alison Teetor/David Nelms

David Nelms, USGS, appeared before the Board to review the quarterly report. He stated that in April he had noted dramatic changes in 52 wells and 23 springs they measure in the County. Several types of tests were conducted for how the water moves through the ground. Currently, there are 15 principal investigators in this region; and there is a growing interest in the research. There is a fractured rock specialist, Alan Shapiro, who is looking at this area. Additional researchers will provide more information, as well as other sources of funding.

Mr. Nelms had the Board look at graphs from the well at Blandy. The graphs show that the County has gone from a record low to a record high. This is the wettest spring on record, which is one reason why a drop in water level has not yet been seen. With the data they are recording, it allows researchers to start looking for patterns. Sun spot activity is being studied as one possible explanation for the fluctuations. Sun spot activity runs in 10- to 11-year cycles, while droughts run in 30-year cycles. Mr. Nelms put forth that one reason why Clarke County has been hit so hard over the past few years is that ground water storage appears to be temporary.

Mr. Nelms stated that every time he goes out to gather information he learns something new. Only measurements taken over a period of time will provide the data required to establish

trends and determine action. Mr. Nelms, explaining how sinkholes occur, stated that current conditions are prime for the development of sinkholes with the soil being heavy from the weight of the water. Vice Chairman Hobert reminded the group that they were looking for actionable data, not a science project.

Virginia Department Of Transportation
- Jeff Lineberry, Resident Engineer

Jeff Lineberry, Bob Childress and Ricky Pope, appeared before the Board to provide the monthly update.

Route 700 Jack Enders Boulevard:

A public hearing is scheduled for September 10, 2003 from 4:00 to 7:00 pm in the Berryville Town Council Chambers.

Route 636

There is a project meeting with the designer today. VDOT will set up a meeting with the school system. There was discussion on the inclusion of a median strip on 636. VDOT indicated this could be a possibility.

Bridge Repair 50/17

This project is progressing well. Completion is expected in September 2003.

Project Update: Routes 340, 17, 50 Intersection

There is an on-site meeting scheduled today for VDOT, which shall be attended by Supervisor Dunning.

Project Update: Route 340 Curbing & Guttering Repair

This project was completed July 1, 2003.

Route 644 Closure – Set Public Hearing

Frederick County passed resolutions to close both Routes 660 and 644 on the same day. Copies of the Frederick County Board of Supervisors’ Resolutions are included with the Clarke County Board of Supervisors meeting materials for July 15, 2003.

The Board of Supervisors of Clarke County, in a regular meeting on the 15th day of July 2003, adopted the following:

RESOLUTION

WHEREAS, it appears to this Board that Secondary Route 644, from Route 655 to the Frederick County line, a distance of 0.2 mile, serves no public necessity and is no longer necessary as a part of the Secondary System of State highways.

NOW, THEREFORE, BE IT RESOLVED: The Clerk of the Board is directed to post and publish notice of the Board’s intent to abandon the aforesaid section of Route 644, pursuant to §33,1-151 of the Code of Virginia of 1950, as amended.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Commissioner of the Virginia Department of Transportation.

Recorded Vote

Moved By: _____

Yeas: _____

Nays: _____

A Copy Teste:

John Staelin, Chairman

Clarke County Board of Supervisors

Vice Chairman Hobert moved to set the matter for public hearing on July 15, 2003, at 9:30 a.m. or as soon thereafter as the matter may be heard

The motion carried as follows:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Absent
Supervisor Weiss	-	Aye

Bob Childress requested that a copy of the signed resolution be forwarded to VDOT as soon as possible so it could be posted along the route.

Route 660 Closure

Bob Childress spoke to Mr. Duvall about a gate at the end of Route 660.

Route 7 Business – Traffic Signal

Mr. Lineberry stated that there was nothing additional to report. He sent a copy of the newspaper article describing the recent accident at the intersection to Pierce Homer for consideration.

Vice Chairman Hobert requested that another letter should be sent to Piece Homer communicating that this intersection represents a threat to the people of the community. Chairman Staelin suggested a joint effort with the Mayor of Berryville. Mr. Staelin requested David Ash to follow up with the Mayor and draft a letter.

FEMA/Mt. Weather Facility Road Construction

Jeff Lineberry indicated that VDOT had a meeting with the contractor this afternoon. He further indicated that the construction was “fast tracked” to insure completion before winter.

Chairman Staelin stated that Jim Looney has requested to address the Board at the August meeting to discuss the road construction. Mr. Staelin emphasized that the road was to be designed to Mountain Standards. Bob Childress stated that he has met with Jim Looney and related the Board’s desire to comply with Mountain Standards and the rural design of the road. He has received copies of the plan, which he will forward to David Ash.

Chairman Staelin expressed concern regarding comments he has heard about the number of trees that would be cut down. Mr. Staelin requested VDOT to be present at the next meeting during the review with Mr. Looney.

Greenwood Church – Double Toll Gate

Supervisor Byrd requested the status of the Greenwood Church’s request to use the abandoned road adjunct to their property. Mr. Lineberry stated that he is reviewing their request.

Wadesville Road

Supervisor Byrd expressed concern regarding a culvert on Wadesville Road stating that the road was very narrow and on a curve in the area below Allegheny Ridge Lane. Constituents fear that speeding in this area could lead to problems.

Clean Up

Supervisor Byrd thanked Ricky Pope for cleaning up Crim’s corner.

Public Hearing – Special Use/Site Plan

- Charles Johnston, Planning Administrator

Omnipoint Communications Cap Operations LLC, requests the approval of a Special Use and Site Plan for a 100-foot enclosed monopole for telecommunications antennae located at 653 Mt. Carmel Road, Tax Map Parcel 39-((A))-75, Chapel Magisterial District, zoned Forestal-Open Space-Conservation (FOC). SUP-03-02

Jesse Russell, Zoning Administrator, appeared before the Board to provide a brief history of the zoning request and subsequent approval by the Board of Zoning Appeals. Mr. Russell stated that the pole height has been reduced from 100 to 85 feet. The Planning Commission has also reviewed and approved the Special Use/Site Plan with a formal request that landscaping be included on Mount Carmel Road and the site plan be revised to show the landscaping. Further, the Planning Commission asked that the billboard sign for Mountain Lake Campground be removed.

Brenda Van Keuren, owner of Mountain Lake Campground, stated that the billboard sign for the campground has been in place since 1956 and was grand fathered under the County's current ordinance. She opined that if the sign were removed it would destroy her business.

Chairman Staelin queried Mrs. Van Keuren regarding her willingness to enter a written agreement stating that the billboard would not be leased for use by anyone other than Mountain Lake Campground. Mrs. Van Keuren stated that the property was in her husband's name and the County would need his approval. Mr. Staelin instructed staff to work with the Van Keurens.

Supervisor Dunning stated that he was unwilling to approve the special use/site plan until Omnipoint paid the fees. Also, he expressed concern about a possible negative impact on property values in the adjunct area.

Michelle Rosati, legal counsel for Omnipoint, stated that the problem with the payment appeared to stem from the Washington State location. She assured the Board she would follow up on this immediately. She addressed Mr. Dunning's fears regarding negative impact on property values stating that in her ten years in the industry she had not seen any study that provided credible information indicating there was a diminutive affect on real estate. She further stated that she had a property value impact survey by a Mr. Thorn, who was present and available to address any questions the Board might have on this matter.

Anne Caldwell, Planning Commission member, expressed her desire for the Board to approve the special use/site plan and requested that they place a bond on the landscaping to ensure its completion. Also, she felt the landscaping would alleviate the obviousness of the tower.

Chairman Staelin opened the public hearing at 10:40 am. There being no additional persons wishing to address the matter Chairman Staelin closed the public hearing at 10:41 am.

Mr. Russell stated that Omnipoint meets the spirit and intent and the process has been a collaborative effort with the Planning Commission and the Board of Zoning Appeals. Given the payment history, Chairman Staelin requested that Mr. Russell and Mr. Johnston explore the possibility of a bond on the landscaping.

Supervisor Byrd inquired about the color of a tower Omnipoint has in place near the quarry. Ms. Rosati stated that this was the color approved by the Board; it is galvanized steel and very shiny now but will dull/weather in time. Supervisor Weiss requested that if it does not weather to that color that they paint the tower.

Supervisor Byrd moved to close the public hearing but continue discussion on the matter until the next meeting of the Board of Supervisors scheduled for Tuesday, August 19, 2003.

The motion carried as follows:

- Chairman Staelin
- Aye
- Vice Chairman Hobert
- Abstain
- Supervisor Byrd
- Aye
- Supervisor Dunning
- Aye
- Supervisor Weiss
- Aye

Vice Chairman Hobert wished it to be noted for the record that he did not participate in the discussion and abstained from voting.

Set Public Hearing – Amendment to the Code of Clarke County: County-wide Explosives Ordinance

- Charles Johnston, Planning Administrator

Mr. Johnston appeared before the Board to provide an overview of the proposed amendment. He explained that the 150’ requirement was believed by Chester Engineering to be a conservative, defensible figure. Supervisor Weiss stated that it was his belief that blasting should be discouraged on three-acre lots as much as possible. Chairman Staelin asked about notification of adjunct property owners prior to blasting.

By consensus, it was determined additional research was needed on this issue before setting it for public hearing. Chairman Staelin asked Mr. Johnston to meet with the Board members individually to identify their concerns.

Set Public Hearing – Rezoning [RZ-03-02]

- Charles Johnston, Planning Administrator

The Clarke County Planning Commission recommends the amendment of the County Zoning Map so as to change the zoning designation on the following properties:

Tax Map #	Owner Name Property Address	Acres	Current Zoning	Current Use	Proposed Zoning
25B-((A))-6A	Bluemont Homes Inc. 50 Ross Lane	4.65	Neighborhood Commercial w/ proffers est. in '82	Residential	Forestal – Open Space- Conservation
26-((A))- 25/26	R.E. & L.T. McClaughry 445 Pine Grove Road	2.28	Forestal – Open Space- Conservation	Convenience Store in front & 6 mobile homes in rear	.30 acres (front 65 ft)* Neighborhood <u>Commercial</u> ; 1.98 acres - FOC
26-A-86	Glen Poe 574 Pine Grove Road	1.96	Neighborhood Commercial w/ proffers est. in '82	Restaurant in front & 2 mobile homes in rear	.68 acres (front 85 ft)* Neighborhood Commercial <u>w/o proffers</u> ; 1.28 acres - FOC

** not including 30 feet from the centerline of Pine Grove Road (Route 679)
all located generally on Harry Byrd Highway, Retreat Road, and Pine Grove Road (Routes 7, 643, and 649) in the community of Pine Grove, Battletown Magisterial District. (RZ-03-02)*

Charles Johnston appeared before the Board to provide an overview of the proposed rezoning. Mr. Johnston stated that the rezoning of two properties listed also was discussed, but the owners stated to the Planning Commission that they were not interested in having their property rezoned. Chairman Staelin requested that Mr. Johnston obtain written confirmation from the owners of their position.

Tax Map #	Owner Name Property Address	Acres	Current Zoning	Current Use	Proposed Zoning
25-((A))-8A	Blue Ridge Fire Co 131 Retreat Road	2.84	Neighborhood Commercial	Volunteer Fire Co.	Forestal – Open Space-Conservation
26-A-43	James & Tracee Wink 1162 Pine Grove Road	2.00	Forestal – Open Space- Conservation	Restaurant	Neighborhood Commercial

Vice Chairman Hobert moved to set the matter for public hearing on August 19, 2003, at 10:00 a.m. or as soon thereafter as the matter may be heard for Parcels 25B-((A))-6A, 26-((A))-25/26, and 26-A-86.

The motion carried as follows:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Set Public Hearing Text Amendment [TA-03-07]

- Charles Johnston, Planning Administrator

The Clarke County Planning Commission recommends the amendment of the County Zoning Ordinance Sections 8-B-1, Initiating (Text and Zoning Map) Amendments by Petition of Property Owner; 10-E, procedures Public Hearings, and the County Subdivision Ordinance Sections 4-F, procedures for Public Hearings so as to:

- *clarify that a Zoning Ordinance text amendment may be initiated only by resolution of the Board of Supervisors or Planning Commission*
- *bring public hearing requirements into accordance with the Code of Virginia and*
- *simplify public hearing requirements. (TA-03-07)*

Charles Johnston appeared before the Board to provide an overview of the proposed text amendment. Mr. Johnston stated that under this text amendment a Clarke County citizen could not propose a text amendment. Chairman Staelin clarified that citizens do have the right to petition the Board of Supervisors and the Planning Commission to institute such changes.

Vice Chairman Hobert moved to set the matter for public hearing on August 19, 2003, at 10:00 a.m. or as soon thereafter as the matter may be heard.

The motion carried as follows:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Set Public Hearing - Text Amendment [TA-03-08]

- Charles Johnston, Planning Administrator

The Clarke County Planning Commission recommends the amendment of the County Zoning Ordinance, Section 3-D-8, Parcels with Zero Dwelling Unit Rights and Section 3-D-9, Lot size in the AOC Zoning District, so as to amend the conditions under which parcels may be created with zero dwelling unit rights and allow a maximum lot size exception for properties under easement to the Clarke County Conservation Easement Authority. TA-03-08

Mr. Johnston appeared before the Board to review the proposed text amendment. During discussion, it was requested that the text be amended as follows: 3-D-8 3. *add* "and approved by the Clarke County Board of Supervisors". 3-D-9 c. *remove* and/or before Virginia Outdoor Foundation, *add* "and/or any other entity authorized to hold an open-space easement pursuant to the Virginia Open-Space Land Act (§10.21-1700, Code of Virginia) and approved by the Clarke County Board of Supervisors,"

Supervisor Dunning moved to set the matter, as amended, for public hearing on August 19, 2003, at 10:00 a.m. or as soon thereafter as the matter may be heard.

The motion carried as follows:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Set Public Hearing - Text Amendment [TA-03-10 (AT)]

- Alison Teetor, Natural Resources Planner

The Clarke County Board of Supervisors will consider the amendment of the County Well Ordinance, Section 184-10 so as to add item J. prohibiting Open-Looped Ground-Source Heat Pump Wells. TA-03-10 (AT)

Alison Teetor appeared before the Board to provide an overview of the proposed amendment, which had been brought to her attention by the Health and Building Departments. The open-loop system uses water from a well for heating and cooling. The water is discharged in to a pond or drainage area, which can create a marshy area. With the closed-loop system, the water is not discharged but re-circulated.

Vice Chairman Hobert asked for clarification that the definition of open-loop systems be included in the proposed amendment.

Supervisor Dunning moved to set the matter, as amended, for public hearing on August 19, 2003, at 10:00 a.m. or as soon thereafter as the matter may be heard

The motion carried as follows:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Special Entertainment Permit – 2003 Shenandoah Valley Wells Fargo Hot Air Balloon & Wine Festival

Joe Hickey appeared before the Board to request a special entertainment permit for the 2003 Shenandoah Valley Wells Fargo Hot Air Balloon & Wine Festival. He wished to assure the Board and the public that the festival organizers have done a great deal to alleviate public concerns. He explained that the FAA has no minimum requirements over rural areas, however, the organizers have set a minimum height across Route 50 at 500 feet and have informed the pilots of this restriction. Further, if the wind is in the direction of the farms with horses and/or cattle, they may try to have the pilots take off from another location and land at Long Branch.

Supervisor Dunning stated that he does not want the complaints by Dr. Hart taken lightly. Mr. Hickey stated that he has spoken with the Harts about their concerns and a pilot that violated their air space has not been invited back this year. They employ a one-strike rule with attending pilots. Further, Mr. Hickey asserted that in seven years only one horse has been injured; and he personally followed up with the owners.

Last year, additional precautions were put into place and those who wish to have balloons land on their property have been instructed to put a white sheet on the ground. A map of these locations is maintained.

Chairman Staelin expressed his hope that the festival would go well this year and said that if it did not the matter would go to public hearing in November. Mr. Hickey stated that the festival has set a maximum of 40 balloons.

Supervisor Dunning moved to approve the Special Entertainment Permit for the 2003 Shenandoah Valley Wells Fargo Hot Air Balloon & Wine Festival.

The motion carried as follows:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Absent
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Clarke County School Items:

A. Demographics Resolution Proposed by the Joint Committee on School Construction

Chairman Staelin provided an overview of the demographics process employed by the Joint Committee on School Construction of which he is a member. From the data the committee received, they have determined the projections for the high school at 800 and elementary at 1,050. The committee recommends that both Boards adopt the resolution. The School Board adopted the resolution at their regularly scheduled meeting of July 14, 2003.

Joint Resolution of the
Clarke County Board of Supervisors
and the
Clarke County School Board

Whereas, both the Clarke County School Board and the Clarke County Board of Supervisors recognize that there is a shortage of capacity at both the high school and elementary school level; and,

Whereas, both Boards recognize the importance that quality facilities play in the education of our County's children; and,

Whereas, both Boards recognize that the school capacity problem must be solved and that the cost of the solution will be the largest single expenditure in Clarke County history; and,

Whereas, the responsibility for building schools is divided between the Boards, with the School Board being responsible for the design and construction of school buildings, and the Board of Supervisors being responsible for setting the school construction budget and funding construction; and,

Whereas, this division of responsibility can lead to division between the Boards and within the community; and,

Whereas, both Boards want the community to be united around the idea of expanding school capacity; and,

Whereas, both Boards want the citizens to understand that their tax dollars are being spent wisely; and,

Whereas, both Boards created a Joint Committee on School Construction to encourage unity in the initial planning process for expanding school capacity; and,

Whereas, the key step in the initial planning process is a decision as to how much additional school capacity will be needed; and,

Whereas, the Joint Committee on School Construction formed a subcommittee consisting of a member of the school's staff, a member of the County's planning staff and a representative of the Northern Shenandoah Valley Regional Commission and charged that subcommittee with developing a 10-year forecast of school enrollment growth; and,

Whereas, the subcommittee studied the issue and concluded that the need for capacity at the high school would likely reach a high of 800 students within the 10-year planning projection; and,

Whereas, the subcommittee stated it was more difficult and less certain to project enrollment at the elementary level over the next ten years as it could not predict the birth rate for the next 5 years, but felt comfortable predicting a total enrollment of 1050 students including pre-school students at this time; and,

Whereas, the Joint Committee on School Construction agreed to adopt both projections and forward its views to both the School Board and the Board of Supervisors with the request that both Boards ratify its actions;

Now therefore be it resolved, that the Clarke County School Board and the Clarke County Board of Supervisors accept and adopt the enrollment projections agreed upon by the Joint Committee on School Construction as the basis upon which further analysis and planning will be based.

Approved and adopted by the Board of Supervisors
at a Regular meeting held on July 15, 2003.

Approved and adopted by the School Board at a
Regular meeting held on July 14, 2003.

John Staelin, Chairman

Bent Ferrell, Chairman

Vice Chairman Hobert moved to adopt the Joint Resolution of the Clarke County School Board and the Clarke County Board of Supervisors as presented.

The motion carried as follows:

- Chairman Staelin
- Aye
- Vice Chairman Hobert
- Aye
- Supervisor Byrd
- Aye
- Supervisor Dunning
- Aye
- Supervisor Weiss
- Aye

B. Resolution to Acknowledge Accomplishments of Clarke County High School

Vice Chairman Hobert stated according to the information presented at the July 14 School Board meeting Clarke County schools had done well with the SOL's and have a drop-out rate below 1%, which is considerably lower than neighboring areas.

Chairman Staelin requested that the Board delay action on the schools performance resolution suggesting that additional data be added to the resolution. He requested that the Board revisit the matter during the August 2003 Board of Supervisors meeting.

RESOLUTION

WHEREAS, Clarke County enjoys a rich historical heritage, possesses outstanding natural and scenic features, and an outstanding, involved citizenry; and

WHEREAS, it takes an educated and informed community to preserve these outstanding qualities for future generations; and

WHEREAS, the success and improvement of our society depends on preparing its members to face challenges at levels of complexity unimaginable just a few short years ago; and

WHEREAS, a critical public institution responsible for preparing citizens to meet these challenges of the present and future while preserving our past are the public schools; and

WHEREAS, positive recognition of our public institutions by organizations outside of our County reflect highly on our community; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Clarke County takes great pleasure in noting that Clarke County High School has again been recognized on the Challenge Index of American High Schools as published by *Newsweek* magazine. The Index ranked the High School in the top 1% of the more than 14,000 high schools in the United States. This ranking supports the statement on our County website that says, "The award winning county school provides an educational environment that prepares our children to be ready for the future." The dedicated efforts of the entire school division staff, hard work and superb behavior f the students, and support of parents make Clarke County Public Schools the outstanding public institution that it is.

Adopted this 15th day of July 2003.

Attest:

Signed: _____

John Staelin, Chairman

Clarke County Board of Supervisors

C. Resolution to Retain Moseley Architects as Facility Planner

Resolution

Whereas, the Clarke County Board of Supervisors and the Clarke County School Board have agreed that there is a shortage of school capacity at both the high school and elementary school levels, and

Whereas, both Boards recognize that there are several options for expanding school capacity and that a detailed study of the options needs to be completed by a skilled Facility Planner before the best option can be determined, and

Whereas, the Joint Committee on School Construction unanimously recommended Moseley Architects, and

Whereas, the Board of Supervisors supports the process that has been adopted by the Joint Committee and has agreed to pay the cost of the work, and

Whereas, the School Board will contract with the Facility Planner only after the Joint Committee approves the scope and cost of the project,

Now therefore be it resolved, that the Clarke County Board of Supervisors endorses the selection of Moseley Architects and asks that the Joint Committee work as a team to define the scope of the project and complete the contracting process.

Adopted this 15th day of July, 2003.

Attest:

Signed: _____
John Staelin, Chairman
Clarke County Board of Supervisors

Following discussion, **Vice Chairman Hobert moved to adopt resolution to retain Moseley Architects and to endorse the School Board entering into a contract with same.**

The motion carried as follows:

- | | | |
|----------------------|---|-----|
| Chairman Staelin | - | Aye |
| Vice Chairman Hobert | - | Aye |
| Supervisor Byrd | - | Aye |
| Supervisor Dunning | - | Aye |
| Supervisor Weiss | - | Aye |

Space Study

Chairman Staelin apprised the Board that the Bank of Clarke County has purchased a Wachovia Bank location, which has lifted the issue of losing the bank building space. There are still questions concerning the Town of Berryville and their need to expand. Mr. Ash stated that he has had a lengthy conversation with Chester Engineering regarding the County’s interest and he does know that the Town of Berryville does need to make a decision soon.

Vice Chairman Hobert stated the Board should give the Town of Berryville the option of giving a recommendation. He further stated that he and Supervisor Dunning would look at this issue over the next 30 days.

Acknowledgement of Receipt of Abstract of Votes – 2003 Republican Party Primary Election for Member Senate of Virginia

The Clarke County Electoral Board submit the Abstract of Votes for the 2003 Republican Party Primary Election for acknowledgment by the Board of Supervisors.

Closed Session:

Vice Chairman Hobert moved to convene into closed session pursuant to Section §2.2.3711-A1, §2.2.3711-A3 and §2.2.3711-A6 of the Code of Virginia, as amended, to discuss matters of personnel, real estate and contract.

The motion was approved as follows:

- | | | |
|----------------------|---|--------|
| Chairman Staelin | - | Aye |
| Vice Chairman Hobert | - | Aye |
| Supervisor Byrd | - | Aye |
| Supervisor Dunning | - | Absent |
| Supervisor Weiss | - | Absent |

The members of the Board of Supervisors being assembled within the designated meeting place, with open doors and in the presence of members of the public and/or the media desiring to attend, **Vice Chairman Hobert moved to reconvene in open session. The motion carried as follows:**

- Chairman Staelin
- Aye
- Vice Chairman Hobert
- Aye
- Supervisor Byrd
- Aye
- Supervisor Dunning
- Absent
- Supervisor Weiss
- Absent

Vice Chairman Hobert moved to execute the following Certification of Closed Session:

CERTIFICATION OF CLOSED SESSION

WHEREAS, the Board of Supervisors of the County of Clarke, Virginia, has convened a closed meeting on the date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3700 of the Code of Virginia requires a certification by the Board of Supervisors of the County of Clarke, Virginia that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of the County of Clarke, Virginia, hereby certifies that, to the best of each members knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which the certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Supervisors of the County of Clarke, Virginia.

The motion was approved by the following roll-call vote:

- Chairman Staelin
- Aye
- Vice Chairman Hobert
- Aye
- Supervisor Byrd
- Aye
- Supervisor Dunning
- Absent
- Supervisor Weiss
- Absent

Discussion Of Committee Action

Board of Supervisors Work Session

During the July 2003 Board of Supervisors Work Session, Fred Hildebrand, Superintendent Adult Regional Detention Center, and Robert Mitchell addressed the Board on the proposed resolution for expansion of the facility. The Work Session report is on file and discussion of the matter moved to Miscellaneous.

Personnel

Appointment to Authorities, Boards and Commissions:

Committee/Board	Appointee	Expiration Date
Conservation Easement Authority	George L. Ohrstrom, II	12/31/03
George Ohrstrom is a new appointee filling the un-expired term of David Weiss on the Conservation Easement Authority. This term will expire December 31, 2003.		

Supervisor Byrd moved to accept in whole the appointment as presented. The motion carried as follows:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Finance

Supplemental Appropriations for Fiscal-Year 2004

Open Space Easement Program: Be it resolved that the FY 04 budget be amended to increase expenditures \$82,1000 for purchase of Open Space Easements, and to carryover unexpended appropriations of \$67,900 from FY 03 and that both amounts be appropriated.

Emergency Medical Technicians: Be it resolved that the Emergency Medical Services expenditure budget be increased \$80,600, and the same appropriated.

Vice Chairman Hobert moved to approve the supplemental appropriations. The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Absent
Supervisor Weiss	-	Aye

Regional Jail requested a supplemental appropriation of \$95,354 for FY04. The Finance Committee has recommended additional information before acting on the request.

The Sheriff's Department and the Circuit Clerk's Office have exceeded departmental budgets for FY03. It is recommended any action regarding a supplemental appropriation be postponed until all invoices have been received.

Communications Systems Analysis and Recommendations. This is a proposal to review Clarke County's emergency communications systems by an agency contracted by the State. The purpose of the review is to provide information on current equipment and where we ought to be over the next five years. This review is very costly and Mr. Ash has asked the Sheriff and the 911 Coordinator to revisit and provide a more focused proposal.

Funding for Public Awareness Campaign Supporting Full State funding for Education. There is a request by Frederick County for Clarke County to participate in a public awareness campaign, which will consist of radio spots over the next three months. The total cost is \$40,000, which will be shared equally between the participating counties of Frederick, Warren, Shenandoah and Page. Clarke County's portion will be approximately \$8,000.

Chairman Staelin apprised the Board of a website, www.betterva.org, where they could find additional information on this proposal.

Supervisor Byrd moved to support the program as long as it is affordable and the cost to Clarke County is based on population rather than equal shares. The motion carried as follows:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Absent
Supervisor Weiss	-	Aye

Chairman Staelin stated that he would probably have a resolution prepared for the August meeting. While the General Assembly is discussing tax reform and the role of government, he believes that we need to make a stand and ensure our representatives are aware of our beliefs in what we think are State roles.

Fund Balances will be reviewed at the next meeting of the Board of Supervisors scheduled for August 2003.

Project Update

- David L. Ash, County Administrator

Courthouse

The tax credit work has been accomplished. Still have some landscaping issues and payment is being withheld. A new contractor is being sought to complete the work. Champion Iron, a new business in the Business Park, will be replacing the fence.

Coiner House

The County has a written agreement with them indicating that the County would pay half of the cost. With regard to the fire suppression equipment, Coiner House decided that they did not want what was originally specified because it was visible, which they removed and replaced with more expensive equipment. Now, there are questions as to who is responsible for payment to repair the holes in the walls and floors resulting from the partial installation and subsequent removal. Tom McFillen has indicated that the Historical Association side may be willing to pick up the cost. Chairman Staelin requested that the Board provide guidance to staff on how to proceed with this issue.

Communications Tower

Chairman Staelin queried reference to power interruptions. Mr. Ash stated that the system recognizes even small power outages and will switch back to the original transmitter without any indication of the change. He will explore the options available, including the use of a battery back up system.

Bills And Claims

- J. Michael Hobert, Vice Chair

Following discussion, **Vice Chairman Hobert moved to accept the Bills and Claims as presented for the month. The motion was approved by the following vote:**

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Absent
Supervisor Weiss	-	Absent

Report – Economic Development

- John W. Sours, Jr., Director Economic Development

John Sours appeared before the Board of Supervisors. Copies of his monthly reports were distributed for review and included in the July 2003 Board of Supervisors file.

Mr. Sours informed the Board he had closed on a lot in the Business Park with a Telephone Components, a company from Long Island, NY that has been in business for 30 years.

Chairman Staelin requested Mr. Sours provide the Board with summary information about the Business Park sales in his monthly update.

Miscellaneous Items

Resolution Regional Adult Detention Center

David Ash advised the Board on this matter. As requested during the Board of Supervisors Work Session on July 7, Robert Mitchell revised the resolution.

RESOLUTION

WHEREAS, Clarke County, Frederick County, and the City of Winchester own land on which the Regional Adult Detention Facility is located; and

WHEREAS, Clarke County, Frederick County, Fauquier County, and the City of Winchester comprise the Regional Jail Board, which operates the Regional Adult Detention Facility; and

WHEREAS, an addition to the Regional Adult Detention Facility is needed to relieve overcrowding at the facility, which addition will serve a public need and purpose (“the Project”); and

WHEREAS, Clarke County, Frederick County, Fauquier County, and the City of Winchester desire to have the City of Winchester design, construct, and equip the Project pursuant to the Public-Private Education Facilities and Infrastructure Act of 2002 (“PPEA”), subject to approval of the four jurisdictions of appropriations to fund the Project.

NOW, THEREFORE, BE IT RESOLVED that Clarke County hereby authorizes the City of Winchester to design, construct, and equip the Project pursuant to the PPEA, subject to approval by the Clarke County Board of Supervisors of appropriations to fund the Project.

Adopted this 15th day of July 2003.

Attest:

Signed:

John Staelin, Chairman

Clarke County Board of Supervisors

Vice Chairman Hobert stated that the proposed resolution could appear to be directive of action to spend money and he did not wish to give the wrong impression. Therefore, Mr. Hobert requested that the last paragraph of the resolution be amended to read “...authorizes the City of Winchester to plan for the design, construction, and equipping of the Project ...”; and suggested that the Board might wish to delay action until the August meeting. Chairman Staelin stated that the resolution would allow the City of Winchester to approach PPEA. Mr. Staelin indicated that he had no problem with the proposed change; and since they were not committing any funds, he did not wish to delay the process any further.

Vice Chairman Hobert moved to approve the resolution as amended. The motion carried by the following vote:

- | | | |
|----------------------|---|--------|
| Chairman Staelin | - | Aye |
| Vice Chairman Hobert | - | Aye |
| Supervisor Byrd | - | Aye |
| Supervisor Dunning | - | Absent |
| Supervisor Weiss | - | Aye |

The Jail Board has made a request for an additional appropriation of \$95,000 this year, part of which is to hire additional employees. Mr. Ash stated that a special meeting of the Jail Board is scheduled for July 17, where the Jail Board will be asked to consider other alternatives. Chairman Staelin stated that regional partnerships are very important and the Board continues to support the jail and do its share. However, the meeting tomorrow may change things; therefore, action on this item will be postponed until more details are provided.

Summary Of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Forward copies of FEMA road construction plans.	VDOT
2.	Provide VDOT with a copy of the signed resolution for intent to close Route 644.	David Ash
3.	Publish notice of road closure.	David Ash
4.	Screen material on FEMA road construction plan and provide the Board with a report including any issues.	David Ash
5.	Include FEMA on August agenda.	David Ash
6.	Draft a letter to Piece Homer communicating that the Route 7 Business intersection represents a threat to the people of the community. Follow up with the Mayor of Berryville.	David Ash
7.	Contact Frederick County regarding funding for public awareness campaign supporting full state funding for education.	David Ash
8.	Send appointment letters.	David Ash
9.	Reschedule Work Session, Personnel and Finance meetings from August 11 to August 18.	David Ash
10.	Draft a formal agreement for the Van Keurens to sign regarding their billboard sign.	David Ash / Jesse Russell
11.	Explore the possibility of a bond on the landscaping for Omnipoint.	Jesse Russell / Chuck Johnston
12.	Meet with the Board members individually to identify their concerns regarding County-wide explosives ordinance.	Chuck Johnston
13.	Review space issues and contact the Town of Berryville for input and provide presentation for Work Session.	Hobert / Dunning
14.	Provide guidance to staff on Coiner House issue.	David Ash
15.	Contact Chuck Johnston to initiate research on signage in County.	John Staelin
16.	Economic Development monthly summary information about Business Park sales.	John Sours

Next Meeting:

The next meeting of the Board of Supervisors is set for August 19, 2003 at 9:00 a.m. in the Board of Supervisors Meeting Room at 102 North Church Street, 2nd Floor, Berryville, VA 22611.

Adjournment:

There being no further business to be brought before the Board the Chairman adjourned the meeting at 2:15 pm.

ATTEST: July 15, 2003

John Staelin, Chairman

David L. Ash, County Administrator